IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 21642 of 2006(B)

AGAINST THE ORDER IN EP 335 2002 IN OS.948/2000 of PRL.MUNSIFF COURT, PALAKKAD

.....

PETITIONER:

N. ARUMUGHAN, S/O.NARAYANA THARAKAN, AGED 44 YEARS, 30/165, MELAMURI, KOPPAM AMSOM, PALAKKAD TALUK.

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENT:

M/S. HEMAMBIKA HIRE PURCHASE LEASING PRIVATE LIMITED, REPRESENTED BY ITS CHAIRMAN, ACHUTH BHASKER, ENNAKKOTTIL STREET, BIG BAZAR, PALAKKAD.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.21642/2006 B

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.THULIKA ROHAN AND DR.A.ROHAN, TO THE PETITIONER.**

EXT.P2: **COPY OF THE ORDER DTD. 22ND JULY, 2006 OF THE MUNSIFF COURT, PALAKKAD IN O.S.NO.948/00 IN E.P.NO.335/02.**

EXT.P3: **COPY OF THE ORDER DTD. 22ND JULY, 2006 OF THE MUNSIFF'S COURT, PALAKKAD IN E.A.NO.425/06 IN E.P.NO.335/02 IN O.S.NO.948/00.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO.21642 of 2006

Dated this the 2nd day of July , 2007

JUDGMENT

Service is not complete on this writ petition under Article 227 of the Constitution, wherein the judgment debtor impugns the order of arrest passed by the Execution Court. Submission of Sri.Binoy Vasudevan, the learned counsel for the petitioner that if proper credit is given to all the payments which have been made by the petitioner subsequent to the passage of the impugned order including the payment made in pursuance to this court's interim order dated 14.8.2006, it will be seen that balance will be only about Rs.3,000/-, seems to be correct.

2. Under the above circumstances, I am of the view that this writ petition need not be kept pending in this court. The writ petition will stand disposed of issuing the following directions:

3. The order of stay will continue for three more months from today. It is open to the petitioner to pay the balance amount to the respondent decree holder either in a lump or in

instalments. Once the petitioner becomes confident that the entire decree debt is wiped off, it is open to him to file an application before the court below for recording full satisfaction of the decree debt. If such a application is received, the court below will hear the parties and take a correct decision on the same.

PIUS C. KURIAKOSE,
JUDGE.

Dpk